

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, AUGUST 28, 2024

ACM: Robin Bentley

FILE NUMBER: Z234-188(LG) **DATE FILED:** March 12, 2024

LOCATION: South line of Sunset Avenue, between South Madison Avenue and South Zang Boulevard

COUNCIL DISTRICT: 1

SIZE OF REQUEST: Approx. 0.15 acres **CENSUS TRACT:** 48113004700

APPLICANT: David Giron

OWNER: Olerio Interests, LLC

REQUEST: An application for a Specific Use Permit for a commercial amusement (inside) on property zoned Subarea 4 within Planned Development District No. 316, the Jefferson Area Special Purpose District.

SUMMARY: The purpose of the request is to use the existing structure for a commercial amusement (inside).

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

PLANNED DEVELOPMENT NO. 316:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=316>

BACKGROUND INFORMATION:

- The area of request is currently developed with a one-story, 4,420-square-foot, vacant building constructed in 1961, according to Dallas Central Appraisal District records. The building was last occupied by a furniture store use in 2010 according to city certificate of occupancy (CO) records.
- The applicant is proposing to utilize the existing building for an event center; therefore, they are requesting an SUP for a commercial amusement (inside) use.

Zoning History:

There have been three zoning cases at one location within the area in the last five years.

1. **Z234-103:** On March 27, 2024, City Council approved an application for an amendment to Specific Use Permit No. 2367 for an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery for a five-year period on property zoned Subarea 4 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the south side of Sunset Avenue, between South Bishop Avenue and South Madison Avenue.
2. **Z212-120:** On January 26, 2022, City Council approved an application for the renewal of Specific Use Permit No. 2367 for an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery for a two-year period on property zoned Subarea 4 within Planned Development District No. 316, the Jefferson Area Special Purpose District located on the south line of Sunset Avenue between South Bishop Avenue and South Madison Avenue.
3. **Z190-120:** On February 26, 2020, City Council approved an application for a Specific Use Permit for an alcoholic beverage establishment use limited to a microbrewery, micro-distillery, or winery for a two-year period on property zoned Subarea 4 (North Tract) within Planned Development District No. 316, the Jefferson Area Special Purpose District located on the south line of Sunset Avenue between South Bishop Avenue and South Madison Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Sunset Avenue	Local Street	60 feet
South Madison Avenue	Local Street	60 feet
South Zang Boulevard	Minor Arterial	100 feet Bike Plan

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006 outlining several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhood's unique characteristics.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.4 Enhance retail, industrial and business operations.

Land Use:

	<u>Zoning</u>	<u>Land Use</u>
Site	PD No. 316, Subarea 4	Vacant building
North	PD No. 316, Subarea 4	Medical clinic or ambulatory surgical center, Gen. merchandise or food store < 3500 sq. ft., vacant suites
East	PD No. 316, Subarea 4	Dry cleaning or laundry store, parking lot
South	PD No. 316, Subarea 1	Office building, Gen. merchandise or food store < 3500 sq. ft., vacant suites, theater
West	PD No. 316, Subarea 4	Restaurant without drive-in service, parking lot

Land Use Compatibility:

The area of request is currently developed with a one-story, 4,420-square-foot, vacant building constructed in 1961, according to Dallas Central Appraisal District records. The site is surrounded by a medical clinic, general merchandise or food store, and vacant suites to the north and a laundry store and parking lot to the east. To the south of the site, there is an office building, general merchandise or food store, a theater, and vacant suites. A restaurant without a drive through and parking lot is on the west of the site.

The property is zoned within Subarea 4 of Planned Development No. 316, the Jefferson Area Special Purpose District. The applicant seeks to utilize the existing structure to hold special events. An event center is identified in the Dallas Development Code as a commercial amusement (inside) use. The proposed land use requires an SUP, according to the PD regulations. The applicant requests an SUP to allow the event center within the existing structure.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare;

and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the proposed use because it is compatible with the surrounding area and is not foreseen to be detrimental to adjacent properties. However, staff recommends an initial time limit of two years. Staff believes this time limit will allow the applicant to demonstrate their operation of the commercial amusement (inside) use, which can then be reevaluated following this initial period.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended. No proposed structures or changes to the site would require landscaping.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a commercial amusement (inside) use when an SUP is required may be established in the ordinance granting the SUP; otherwise, one space per 100 square feet of floor area. The applicant requests that the off-street requirement be one parking space per 200 square feet of floor area. Based on the 4,240-square-footage of the existing building, 22 parking spaces are required using the reduced ratio proposed. The applicant states they will be providing remote parking east of the site via a parking agreement, which is owned by the same property owner.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is currently an "C" MVA cluster.

Z234-188(LG)

List of Officers

Olerio Interests, LLC

Louis Olerio, President

CPC Action
July 11, 2024

Motion: It was moved to recommend **approval** of an application for a Specific Use Permit for a commercial amusement (inside), for a two-year period, subject to a site plan and staff's recommended conditions, on property zoned Subarea 4 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the south line of Sunset Avenue, between South Madison Avenue and South Zang Boulevard.

Maker: Chernock
Second: Housewright
Result: Carried: 15 to 0

For: 15 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Eppler, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 0
Vacancy: 0

Notices:	Area: 200	Mailed: 20
Replies:	For: 0	Against: 0

Speakers: For: David Giron, 1465 Temple Cliff Dr., Dallas, TX 75217
Against: None.

CPC-RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a commercial amusement (inside).
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

Staff's & CPC Recommendation:

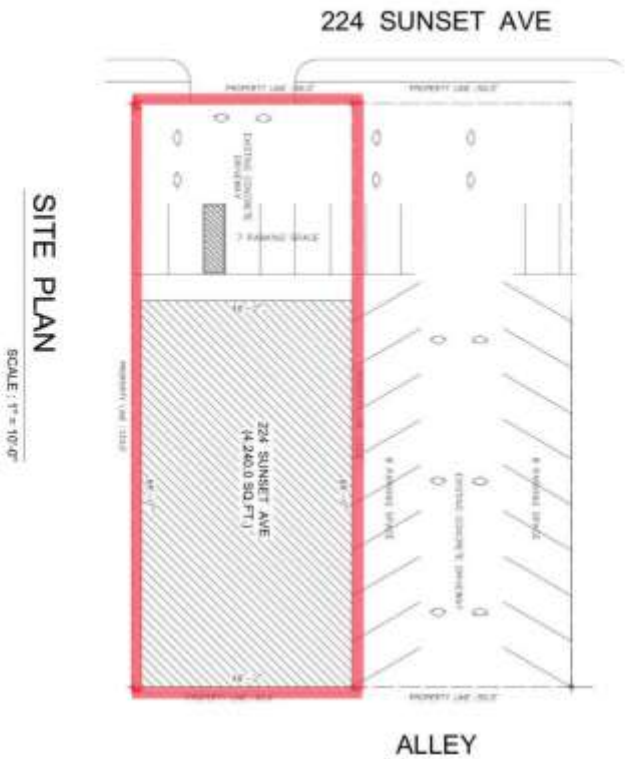
3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance).

Applicant's Request:

3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance).

4. HOURS OF OPERATION: The commercial amusement (inside) may only operate between 9:00 a.m. and 1:00 a.m. (the next day) Monday through Sunday.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

CPC-RECOMMENDED SITE PLAN



PROJECT DATA

ADDRESS: 224 SUNSET AVE
LOT No.: 18
BLOCK No.: 48/3188
AREAS IN SQUARE FEET

EXISTING BUILDING AREA
TO BE REMODELED: 4,240.0 S.F.

PARKING ANALYSIS

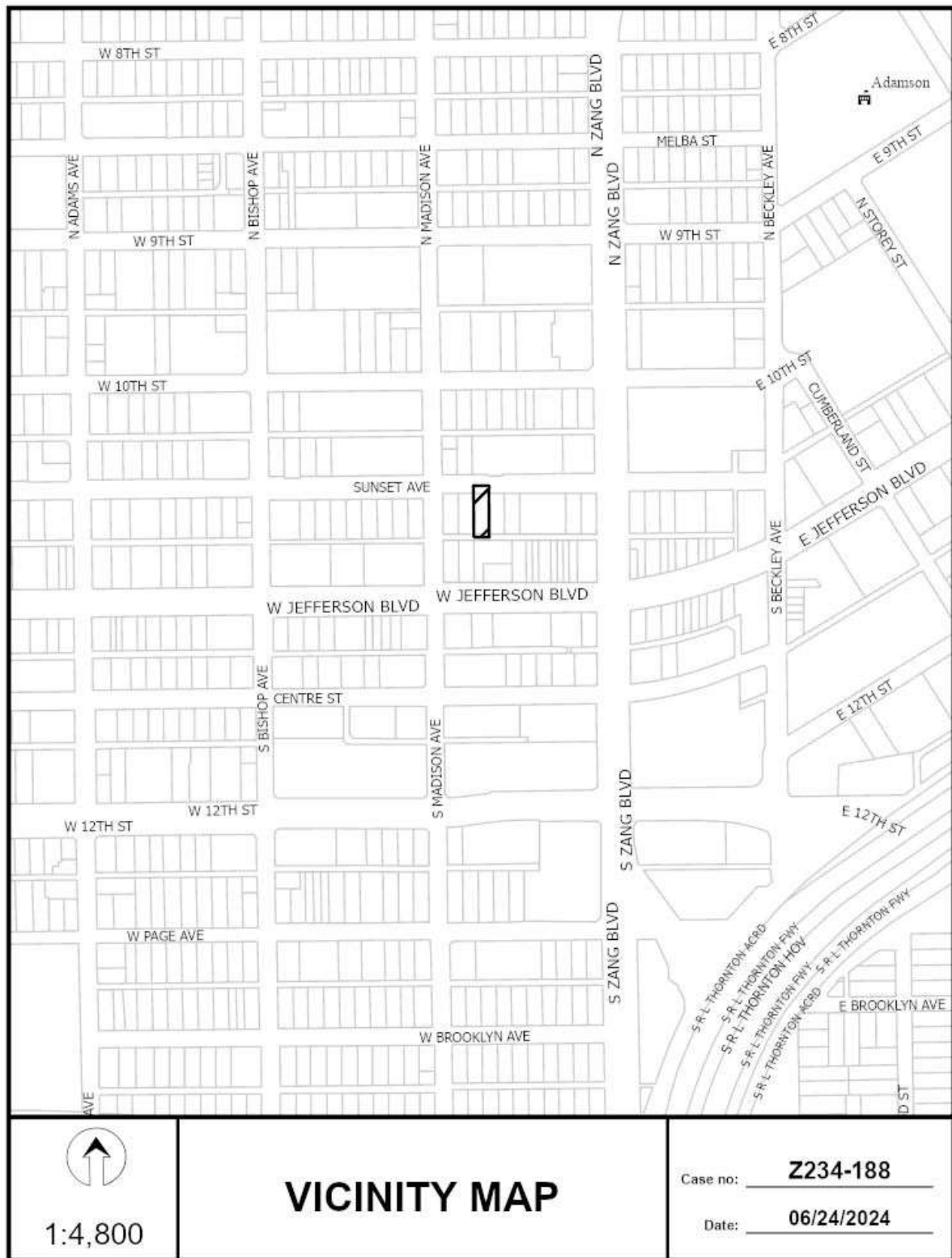
EXISTING BUILDING AREA
NEW EVENT CENTER AREA = 4,240.0 S.F.

1PS / 200 S.F. = 4,240.0 / 200

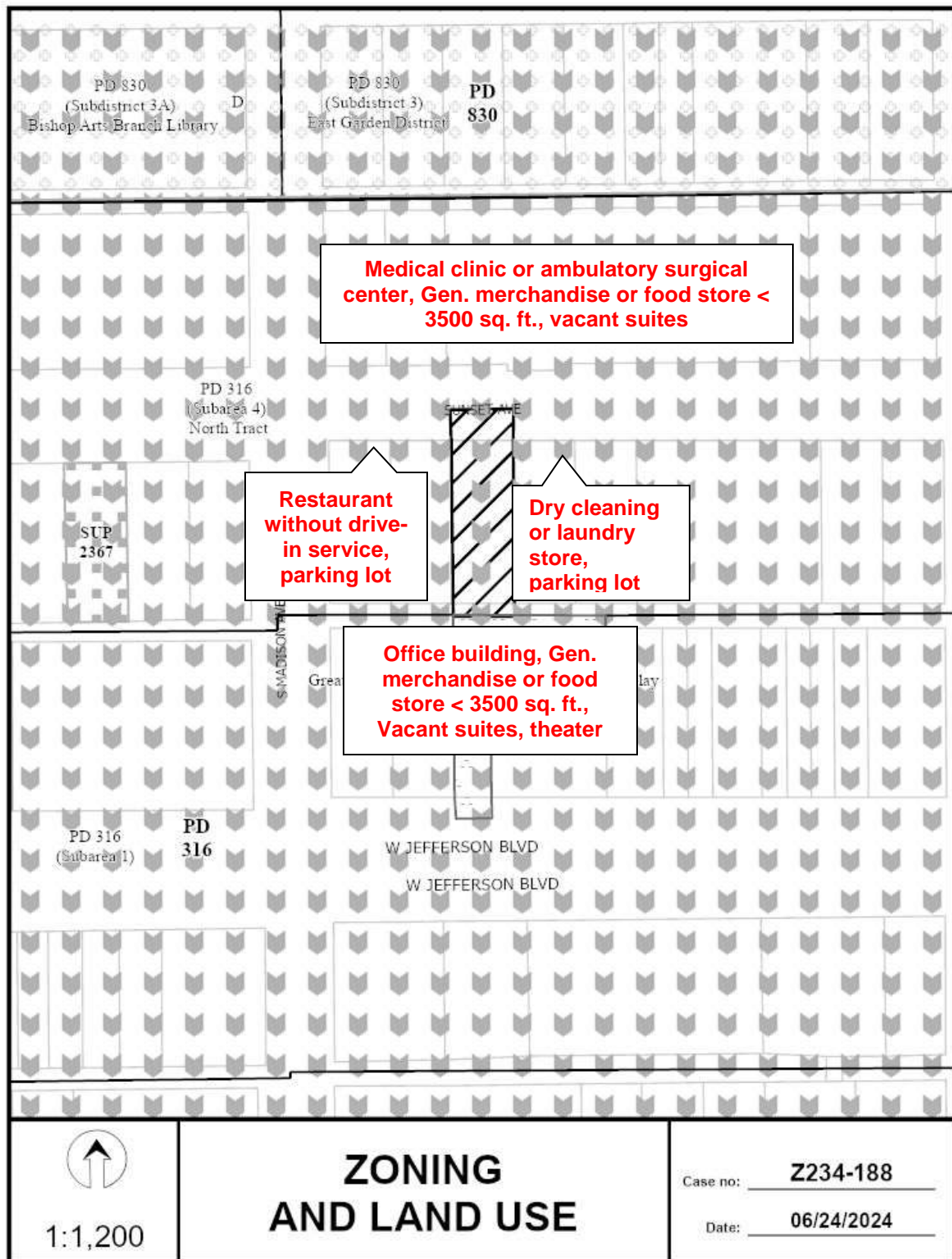
22 PARKING SPACE REQUIRED

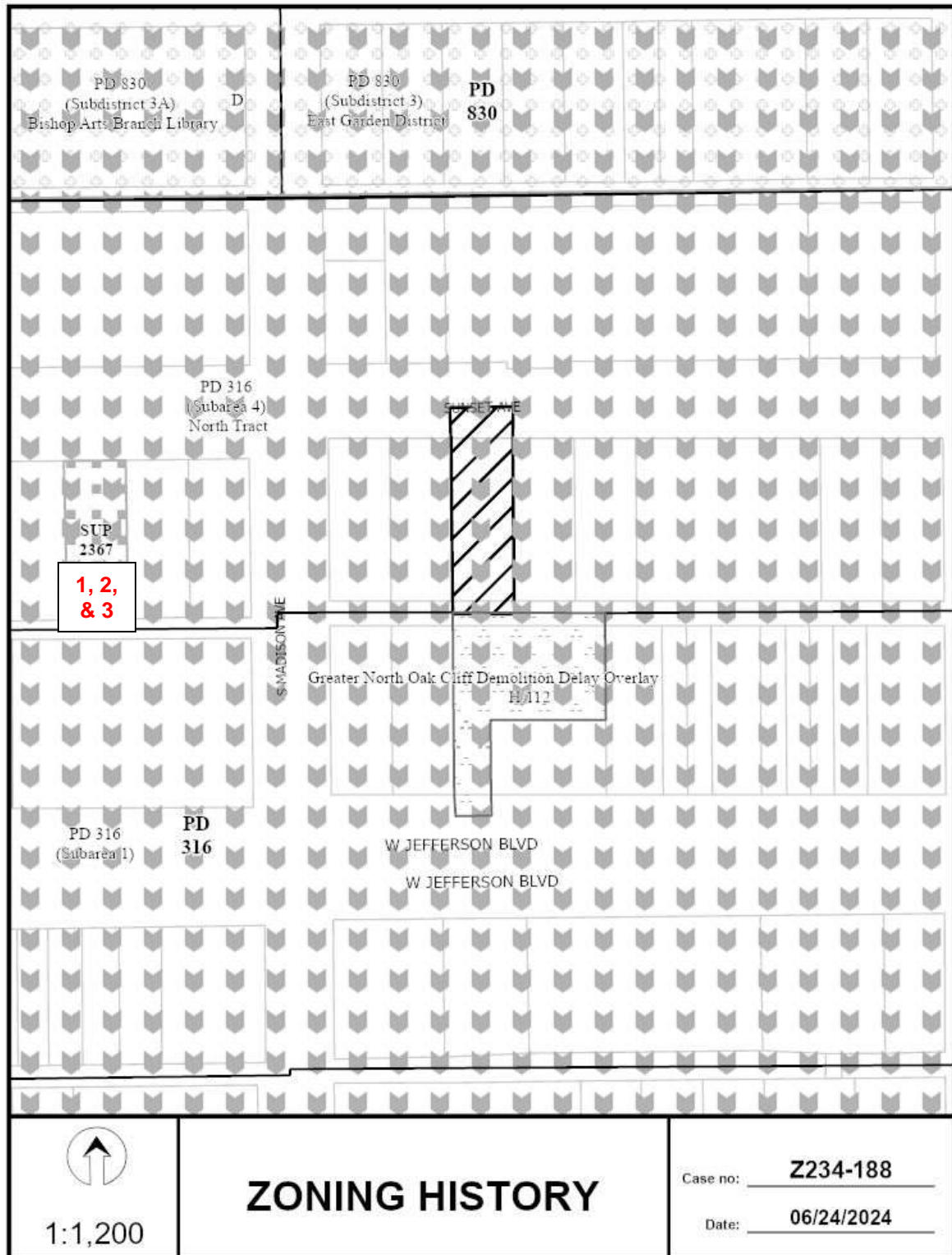
Parking spots = PS

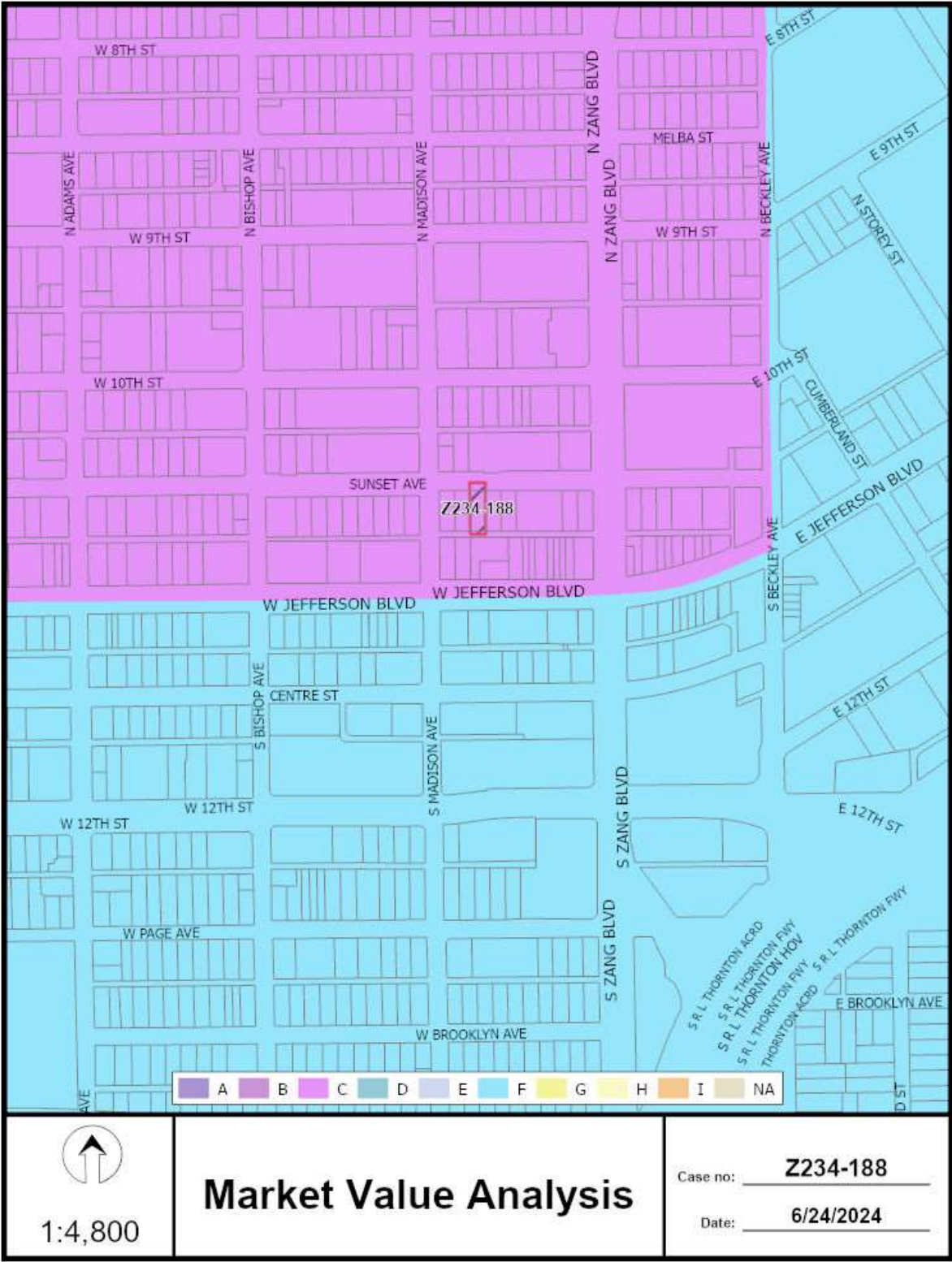
 MARTINEZ DESIGN, LLC www.martinezdesign.com																
<small>PROFESSIONAL SEAL I, _____, a duly Licensed Professional Engineer in the State of California, do hereby certify that I am the author of the design and content of this document, and that I am a duly Licensed Professional Engineer in the State of California.</small>																
REVISIONS																
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NO.	DESCRIPTION	DATE														
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NOTES																
EXISTING BUILDING AREA TO BE REMODELED																
224 SUNSET AVE DRIVEWAY TO BE REMODELED																
DATE: 10/10/2020																
BY: [Signature]																
1 4																













07/10/2024

Reply List of Property Owners***Z234-188******20 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	220	SUNSET AVE	OLERIO INTERESTS LLC
2	237	SUNSET AVE	DERASAUGH MARGARET &
3	112	S MADISON AVE	SALA PROPERTIES LLC
4	233	SUNSET AVE	DERASAUGH MARGARET SUE
5	219	SUNSET AVE	219 SUNSET BA LLC
6	220	W 10TH ST	PERALTA CHIROPRACTIC INC
7	224	W 10TH ST	CMWOC PROPERTIES II LLC
8	228	W 10TH ST	CMWOC PROPERTIES I LLC
9	232	W 10TH ST	238 W 10TH LLC
10	315	SUNSET AVE	SUNSET I PPTIES LLC
11	201	S MADISON AVE	EFFECTIVE TIME MGMT INC
12	239	W JEFFERSON BLVD	VA CAPITAL LLC
13	233	W JEFFERSON BLVD	VA CAPITAL LLC
14	231	W JEFFERSON BLVD	231 W JEFFERSON BLVD LLC
15	221	W JEFFERSON BLVD	Taxpayer at
16	219	W JEFFERSON BLVD	GUAQUETA DAVID
17	217	W JEFFERSON BLVD	MACSWINEY IRIS
18	215	W JEFFERSON BLVD	OROZCO MAYRA
19	232	SUNSET AVE	OLERIO INTERESTS LLC
20	301	W JEFFERSON BLVD	JEFFERSON MONUMENT LLC